

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAWN THOMPSON, on her own
behalf and on behalf of all others
similarly situated

Plaintiff,

V.

WYETH, INC., et al.

Defendants.

Civil Action No. 05-cv-11169

PLAINTIFF'S MOTION TO REMAND

Plaintiff Dawn Thompson ("Plaintiff"), by and through her undersigned counsel of record, moves this Court, pursuant to the provisions of 28 U.S.C. §1447, for an order remanding this consumer class action, which is based entirely on state law claims, to the Superior Court for Essex County, Massachusetts. The Court should grant this Motion for the reasons set forth herein and in the accompanying Memorandum of Law.

No federal jurisdiction exists over this matter, as this action is not subject to the Class Action Fairness Act ("CAFA"). Accordingly, the removal of this action by defendants Pfizer, Inc. ("Pfizer") and Warner Lambert Company LLC, based on purported diversity jurisdiction, was improper, and this action should be remanded.

In support of this Motion, Plaintiff submits the accompanying Memorandum in Support of Motion to Remand.

WHEREFORE, Plaintiff respectfully requests that this action be remanded to the

Superior Court for Essex County, Massachusetts

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Undersigned counsel certify that they have conferred with counsel for defendants Pfizer and Warner Lambert Company LLC in a good faith effort to resolve or narrow the issues raised by this Motion, but have been unable to do so.

DATED: June 29, 2005

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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2005, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that the foregoing was served by first class mail upon the following counsel of record not identified on the NEF as electronic recipients:

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